



JEFFREY R. VAISA | Associate

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April 4, 2024

**BY ECF**

Hon. Evelyn Padin  
Hon. Leda Dunn Wettre  
United States District Court, District of New Jersey  
Martin Luther King Jr. Federal Building & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

**Re: *Therabody, Inc. v. Dialectic Distribution LLC*,  
Civil Action No. 23-21995 (EP) (LDW);  
Request for Virtual Attendance for 10:00 a.m., April 30, 2024, Settlement Conference**

Dear Judge Padin and Magistrate Judge Wettre,

The undersigned counsel represents Plaintiff, Therabody, Inc. (“Therabody”) in the above-captioned matter. We write to respectfully request the Court’s permission allowing Therabody’s corporate representative and *pro hac vice* counsel to virtually attend the settlement conference scheduled for April 30, 2024 at 10:00 a.m. (ECF 17). In the alternate, we respectfully request that just Therabody’s corporate representative be permitted to attend virtually. In either case, Therabody’s local counsel, Michael Townsend, will attend the settlement conference in-person.

Therabody’s corporate representative is located in Los Angeles, California and thus will require cross-country travel to attend the conference. In addition, Therabody’s counsel admitted *pro hac vice* is located in Cleveland, Ohio, and thus will also require substantial travel.

Therabody and its counsel fully understand the importance of our participation in this settlement conference and are committed to actively engaging in the process to determine whether a resolution can be reached. To that end, we will ensure that Therabody’s corporate representative and *pro hac vice* counsel are properly equipped to participate effectively by videoconference and/or telephonic means.

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We thank the Court for its attention to this matter. Per the Court's March 13, 2023 pretrial scheduling order (ECF 17), we did not prepare this request as a motion. However, if the Court prefers otherwise, then we will file a formal motion. We are available to provide any further information or clarification required by the Court. Counsel for Therabody reached out to counsel for Defendant, Dialectic Distribution LLC regarding this request but no agreement was reached by the parties.

Respectfully submitted,

Jeffrey R. Vaisa

Michael Townsend

cc: Alex E. Jones, counsel for Plaintiff, Therabody, Inc., admitted *pro hac vice*  
David Rubenstein, counsel for Defendant, Dialectic Distribution LLC

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